

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JAMES JONES §
VS. § CIVIL ACTION NO. 1:08cv90
HARLEY LAPPIN §

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

James Jones, an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, filed the above-styled petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court previously referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this court. The magistrate judge has submitted a Report and Recommendation recommending the petition be denied.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the records, pleadings and all available evidence. Petitioner filed objections to the Report and Recommendation, which the court has reviewed *de novo*.

The objections are without merit. Jones's reliance on the presumption against retroactivity and settled expectations, discussed in *Landgraf v. USI Film Products*, 511 U.S. 244 (1994), is misplaced. The Bureau of Prisons has discretion under the statute and did not violate petitioner's rights by finding him ineligible for a reduced sentence upon completion of the Residential Drug Abuse Program. *See Richardson v. Joslin*, 501 F.3d 415, 419-20 (5th Cir. 2007).

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is

ADOPTED as the opinion of the court. A final judgment shall be entered denying the petition in accordance with the recommendation of the magistrate judge.

So **ORDERED** and **SIGNED** this **11** day of **January, 2010**.



Ron Clark, United States District Judge